

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

ALLERGAN SALES, LLC and  
ALLERGAN, INC.,

Plaintiffs,

v.

SANDOZ, INC., and ALCON  
LABORATORIES, INC.,

Defendants.

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Civil Action No. 2:17-cv-10129-WHW-CLW

**SUPPLEMENT TO INVALIDITY CONTENTIONS PURSUANT TO**

**LOCAL P.R. 3.3**

**ON BEHALF OF DEFENDANTS**

Defendants hereby supplement their March 16, 2018 invalidity contentions as follows:

The specification describes only one formulation--Combigan. The Federal Circuit, however, stated that that formulation was merely "exemplary," thus the claims cover other formulations in addition to the Combigan formulation. *Allergan Sales, LLC v. Sandoz, Inc.*, 935 F.3d 1370, 1372 (Fed. Cir. 2019). To the extent the asserted claims cover any formulation besides Combigan (or Defendants' proposed generic version of Combigan), the specification does not disclose what those formulations are, how to make them, or that the inventors of the asserted claims possessed them. The asserted claims are thus invalid for lack of written description and/or enablement. *See, e.g., AbbVie Deutschland GmbH & Co., KG v. Janssen Biotech, Inc.*, 759 F.3d 1285 (Fed. Cir. 2014).

Dated: December 23, 2018

Respectfully submitted,

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